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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/700,037	07/02/2001	Roger Timmis	WEYE116514	WEYE116514 1285	
75	90 09/26/2002				
Christensen O'Connor			EXAMINER		
Johnson Kindness Suite 2800			LANKFORD JR, LEON B		
1420 Fifth Aven	nue			 .	
Seattle, WA 98101-2347			ART UNIT	PAPER NUMBER	
			1651		
			DATE MAILED: 09/26/2002	Y	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary Examiner		Application No.	Applicant(s)			
## Deficie Action Summary Examiner						
Libianie Lankford - The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ½ MONTH(S) FROM THE MAILING DATE of THIS COMMUNICATION. A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ½ MONTH(S) FROM THE MAILING DATE of THIS COMMUNICATION. If the period for reply specified above is loss than finity (30) days, or any or strength of the period for reply specified above is loss than finity (30) days, or any	Office Action Summany		TIMMIS ET AL.			
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1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 4) Interview Summary (PTO-413) Paper No(s) 5) Notice of Informal Patent Application (PTO-152)	<u> </u>					
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) Notice of Informal Patent Application (PTO-152)	Attachment(s)					
	2) Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) Notice of Informal P				

U.S. Patent and Trademark Office PTO-326 (Rev. 04-01)

Application/Control Number: 09/700,037

Art Unit: 1651

DETAILED ACTION

Election/Restrictions

1. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claims s 1 - 13, drawn to a method for classifying plant embryo quality.

Group II, claims 14 – 26, 28 - 40, drawn to a method for classifying plant embryo quality.

Group III, claim 27, drawn to a method for classifying plant embryo quality.

2. The inventions listed as Groups I, II and III do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons:

Under Unity of Invention, Part 1 (Annex B, MPEP), the method for determining unity of invention under Rule 13 permits the inclusion of any one of the following combinations of claims of different categories in the same international application: (i) in addition to an independent claim for a given product, an independent claim for a process specially adapted for the manufacture of the said product, and an independent claim for a use of the said product, or (ii) in addition to an independent claims for a given process, an independent claim for an apparatus of means specifically designed for carrying out the said process, or (iii) in addition to an independent claim for a given product, an independent claim for a process specially adapted for the manufacture of the said product and an independent claim for an apparatus or means specifically designed for carrying out the said process.

The above inventions do not share a special technical feature as indicated by the paragraph above. Specifically, the invention of group I requires algorithms based on

more that one embryo perimeter, the invention of group II requires a metric based classification and group III requires absorption and/or reflectance data.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

3. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to L Blaine Lankford whose telephone number is 308-2455. The examiner can normally be reached on Mon-Thu 7:30-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mike Wityshyn can be reached on 308-4743. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-4242 for regular communications and 703-308-4242 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 308-0196.

> L Blaine Lankford Printary Examiner Art Unit 1651

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September 25, 2002